Lawyers subpena FBI agent

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The FBI agent who induced William M. O'Neal Jr. to join and spy on the Chicago Black Panthers has been subpenaed to testify by lawyers for the family of slain Black Panther leader Fred Hampton, it was learned Tuesday.

The subpena, by lawyers for Hampton's mother, Mrs. Iberia Hampton, also seeks written reports by the agent, Roy M. Mitchell, concerning the death of Hampton in a police raid on Dec. 4, 1969.

According to documents filed in U.S. District Court, the attorneys believe Mitchell may have relevant testimony in a $3.75-million civil rights damage suit filed by the family. Defendants are former State's Atty. Edward V. Hanrahan and 13 persons who took part in the raid for illegal weapons.

O'Neal, who was both a federal informant and chief of security for the Panthers, reported to Mitchell from November, 1968, until mid-1970 on the movements of Chicago Black Panthers.

The Sun-Times disclosed in Sunday editions that federal agents knew the Panthers were hiding a large supply of guns a year before police raided Hampton's apartment at 2337 W. Monroe. Hampton and another Panther leader, Mark Clark, were killed in the raid.

FBI knowledge of the gun caches — not reported by a 1970 federal grand jury that investigated the raid by Chicago police assigned to Hanrahan's office — was uncovered in a federal court deposition taken last Jan. 12 from O'Neal.

who recruited a Panther spy

The disclosure calls into question at least two elements of the Panther weapons raid case that had been presumed settled:

- The FBI role in gathering the original tip on the Panther gun stockpile, which in turn was used by Chicago police to obtain search warrants.
- The timing of the raid by Hanrahan's office. O'Neal said he saw guns of all descriptions in Panther living and working quarters for months "just collecting dust."

Lawyers for the raid's seven survivors and Hampton's family said they want to know what gun information O'Neal passed to Mitchell. The subpena also requests any written records made by Mitchell of O'Neal's oral reports between Nov. 1, 1969, and the raid.

Hanrahan's office, the federal grand jury report indicates, first planned the search for weapons for late November and then rescheduled it for Dec. 4.

U.S. District Court Judge Joseph Sam Perry, who ordered the O'Neal deposition, has yet to rule on whether agent Mitchell must comply with the subpena.

Asst. U.S. Atty. Sheldon R. Waxman, representing the government's interests in the matter, moved to quash the subpena before Perry. Waxman arranged the appearance of O'Neal, who voluntarily traveled to Detroit for the five-hour questioning session.

Lawyers for the survivors believe Mitchell can provide information that could help them support their theory that Chicago police, who executed a search warrant on the Hampton apartment, planned a violent confrontation.

They expect the case to go to trial within a year.